

09/380,256

REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. Claim 68 has been amended. Applicants respectfully request reconsideration of pending claims 1,3,9,10,13,17,28-31,68,69 and 102-112 in light of the following remarks.

With respect to the Examiner's double patenting rejections, Applicants will submit a suitable terminal disclaimer if the herein amendments are acceptable by the Examiner.

The Examiner's rejections of independent claims 1, 68 and 102 under 35 U.S.C. §103(a) variously based on Weber et al US Patent No. 5,686,979 ("Weber") or Sakata US Patent No. 4,729,640 in view of Sharp et al. US Patent No. 5,528,393 ("Sharp") are respectfully traversed.

As mentioned in the Response submitted on December 13, 2002, Sharp describes split-element tunable color filters for use in differential absorption detectors, wavelength division multiplexing, optical fiber communication, multi-spectral imaging, fluorescence detectors, and color generators (column 16, line 64 – column 16, line 2. In no way is there any suggestion to use the device claimed in the present invention in claims 1, 68 and 102, and the claims dependant therefrom, an electro-optical glazing structure having reflection and transmission modes of operation for selectively reflecting and transmitting electromagnetic radiation.

The Examiner has pointed out that the mention of "electro-optical glazing" structures or panels is only in the preamble. However, Applicants respectfully point out

09/380,256

that an "electro-optical glazing panel" is an element of claim 1 and 102, and claim 68 as amended.

Further, the Examiner has listed the applications of the structure in Sharp, and relies on "not limited to" to provide suggestion or motivation to combine Weber or Sakata and Sharp. Applicants respectfully traverse this rejection, and disagree with the use of an all-inclusive statement such as "not limited to" to suggest or motivate one to combine the split-element liquid crystal tunable optical filter of Sharp with the optical panel of Weber or the light modulation device of Sakata.

Accordingly, the Examiner has not pointed to any motivational statements in any of the cited art for introducing art related to split-element tunable color filters as described in Sharp in reflective and transmissive optical panels as described in Weber. Since the outstanding rejections of all of the pending claims rely on Sharp, Applicants respectfully request that the Examiner withdraw his 35 U.S.C. §103(a) rejection.

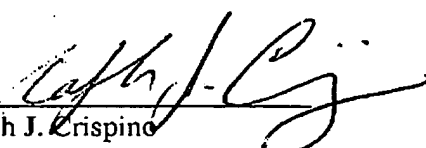
Additionally, the Examiner asserts that Sharp discloses at column 3, lines 32-33, that "[t]he split-element filters of this invention include both transmission and reflection configurations". However, the embodiments shown therein are *either* reflective *or* transmissive, and not both as claimed in the present invention. Therefore, even if there was a motivation to combine Sharp and Weber, applicants' inventions of claims 1, 68 and 102 would not result.

Further, Sakata only describes systems that are *either* reflective *or* transmissive. Therefore, the combination of Sakata and Sharp cannot yield the invention of claim 68.

09/380,256

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

By: 
Ralph J. Crispino
Registration No. 46,144

Date: May 27, 2003
REVEO, INC.
85 Executive Boulevard
Elmsford, New York 10523
Telephone (914) 798-7270
Facsimile: (914) 345-9558

FAX RECEIVED

MAY 27 2003

TECHNOLOGY CENTER 2800